

II. The Claims Define Allowable Subject Matter

The Office Action rejects claims 1-3 under 35 U.S.C. §102(b) as unpatentable over U.S. Patent No. 4,915,241 to Morimura et al. (hereinafter "Morimura"); claim 6 under 35 U.S.C. §102(e) as unpatentable over U.S. Patent No. 5,968,443 to Robles et al. (hereinafter "Robles"); and claims 4 and 5 under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. D-177,275 to Perinet (hereinafter "Perinet"). Please note that the December 11 Office Action on page 6 indicates that claims 5 and 6 are rejected under 35 U.S.C. §103(a) as unpatentable over Perinet. However, the argument in support of this rejection is directed to claims 4 and 5, and thus Applicants assume that it was the Examiner's intention to reject claims 4 and 5 under 35 U.S.C. §103 and address the rejection accordingly. The rejections are respectfully traversed.

Morimura does not disclose a synthetic resin container including, "a vertical, curved rib extending along the left and right edges of the label," as recited in claim 1; "lateral, curved ribs extending along the upper and lower portions, and vertical, curved ribs extending along the left and right portions of the body," as recited in claim 2; or "a lateral, curved rib and at least a vertical, curved rib extending along the edges of the label, wherein the edges of the label are positioned in the ribs," as recited in claim 3. The curved ribs are shaped to prevent cracks from occurring and to retain the shape of the container as described in Applicants' specification at page 1 lines 9-24, page 5, lines 4-22, and page 7, lines 12-14.

Instead, Morimura discloses indentations with planar surfaces surrounding at least a portion of a surface which could possibly be used for a label. Applicants have found no indication in the specification of Morimura of a synthetic resin container including curved ribs extending along edges of the label or portions of the body, as recited in claims 1-3.

Regarding claim 6, it is respectfully asserted that Robles does not disclose a synthetic resin container including "a thick portion [that] is formed on an inner surface of the body

adjacent to and under an edge of the label and wherein the thick portion is not formed under the entire label, and the thick portion spans at least the edge of the label," as recited in claim 6. The thick portion 72 reinforces the container to retain its shape and to prevent cracks from occurring as described in Applicants' specification at page 14, lines 2-4. Support for this feature may be found in Fig. 18, and page 12, line 28 through page 14, line 4 of the specification.

Instead, Robles discloses a thick portion of a wall which does not span at least the edge of the label as shown in Fig. 2 of Robles. Applicants have found no indication in the specification of Robles of a body including a thick portion spanning at least the edge of the label, as recited in claim 6.

With respect to claim 4 and 5, it is respectfully submitted that Perinet does not teach or suggest the combination including "left and right edges having a recessed, corrugate shape formed in the wall surface," as recited in claim 4, or a body including "an in-molded label having corrugate shaped edges, wherein the body is provided with a plurality of recessed, concave portions disposed along left and right edges of the label with equal intervals in a vertical direction, positioning the edges of the label in said concave portions," as recited in claim 5. The corrugate shape edges are formed to prevent cracks from occurring as disclosed, for example, at page 11, line 2 through page 12, line 5.

Instead, Perinet discloses a label having a plurality of concave and convex portions along the left and right sides, which is attached to the face of the bottle. Thus, Perinet does not disclose "left and right edges having a recessed, corrugate shape formed in the wall surface," as recited by claim 4, or a body including "a plurality of recessed, concave portions," as recited in claim 5. Accordingly, Perinet does not teach or suggest each feature of claims 4 and 5.

Applicants respectfully assert that the rejections under 35 U.S.C. §§102 and 103 should be withdrawn because the applied art whether taken singly or combined, do not teach or suggest each feature of independent claims 1-6. As pointed out in MPEP §2131, "[t]o anticipate a claim, the reference must teach every element of the claim." Thus, "[a] claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegaal Bros. V. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)." Similarly, MPEP §2143.03 instructs that "[t]o establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 409 F.2d 981, 180 USPQ 580 (CCPA 1974)."

III. Conclusion

For at least these reasons, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6 are earnestly solicited

Should the Examiner believe that anything further is desirable in order to place this application in better condition for allowance, the Examiner is requested to contact the Applicants' representative at the telephone number listed below.

Respectfully submitted,



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Attachments:

Appendix
Petition for Extension of Time

Date: May 6, 2003

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DEPOSIT ACCOUNT USE
AUTHORIZATION
Please grant any extension
necessary for entry;
Charge any fee due to our
Deposit Account No. 15-0461

APPENDIX

1. (Twice Amended) A synthetic resin container [which], comprising:
a neck;
a bottom;
a body [is attached with] positioned between the neck and the bottom, the body
including an in-molded label[, wherein the body is provided with] having left and right edges;
and
a vertical, curved rib extending along the left and right edges of the label.
2. (Twice Amended) A synthetic resin container [which], comprising:
a neck;
a bottom;
a body [is attached with] positioned between the neck and the bottom, the body
having upper, lower, left and right portions and including an in-molded label[, wherein the
body is provided with]; and
lateral, curved ribs [at] extending along the upper and lower portions, and vertical,
curved ribs [at] extending along the left and right portions of the body[, to surround the
label].
3. (Twice Amended) A synthetic resin container [which], comprising:
a neck;
a bottom;
a body [is attached with] positioned between the neck and the bottom, the body
having an in-molded label[, wherein the body is provided with] having edges; and

_____ a lateral, curved rib and at least a vertical, curved rib extending along the edges of the label, [and]wherein the edges of the label are positioned in the ribs.

4. (Twice Amended) A [label attached to a] wall of a synthetic resin container, comprising:

_____ a wall surface; and

_____ a label having left and right edges, the label formed into the wall surface by an in-mold, wherein [at least] the left and right edges having a recessed, corrugate shape formed in the wall surface [of the label are cut into the corrugate shape].

5. (Twice Amended) A synthetic resin container [which], comprising:

_____ a neck;

_____ a bottom; and

_____ a body [is attached with] positioned between the neck and the bottom, the body including an in-molded label having corrugate shaped edges[cut into a corrugate shape], wherein the body is provided with a plurality of recessed, concave portions disposed along left and right edges of the label with equal intervals in a vertical direction, [so as to locate] positioning the edges of the label in said concave portions.

6. (Twice Amended) A synthetic resin container [which], comprising:

_____ a neck;

_____ a bottom; and

_____ a body [is attached with] positioned between the neck and the bottom, the body including an in-molded label, wherein a thick portion is formed on an inner surface of the

body adjacent to and under an edge of the label and wherein the thick portion is not formed under the entire label, and the thick portion spans at least the edge of the label.